

• • R E M A R K S • •

The Official Action of November 1, 2002 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, independent claim 1 has been changed to recite that the substantially inelastic guide zones are "configured to prevent portions of the disposable pants in a vicinity of the substantially inelastic guide zones from stretching in a direction along the central longitudinal axis."

This change is believed to more clearly describe the structure and function of the inelastic guide zones, and finds support in the paragraph bridging pages 11 and 12 of applicants' specification which describes how movement of the guide zones in the longitudinal direction "causes the region extending in the vicinity of these guide zones to move in the longitudinal direction." That is, the longitudinal pulling force does not stretch portions of the disposable pants in a vicinity of the substantially inelastic guide zones, but rather causes these regions of portions to move in the longitudinal direction. This allows the pants to be smoothly pulled up in contrast to the prior art pants which are discussed on pages 1-2 of applicants' specification.

Independent claim 1 has further been changed to recite that the front and rear waist regions are "bonded" at the side edges thereof. This change to claim 1 finds support on page 8, lines 13-18 of applicants' specification and emphasizes that, according to the nature of "pants," the side edges of the front and rear waist regions are bonded together rather than being connectable by means of fasteners as in the case of open-type diapers.

Also by the present amendment, the claims have been changed to correct the antecedent basis problems noted by the Examiner.

Entry of the changes to the claims is respectfully requested.

Claims 1-7 are pending in this application.

Claims 1-7 stand rejected under 35 U.S.C. §112, second paragraph.

Under this rejection the Examiner noted several phrases in the claims which lacked sufficient antecedent basis.

In response to the rejection of the claims under 35 U.S.C. §112, second paragraph, the claims have been carefully reviewed and amended herein to correct the antecedent basis problems noted by the Examiner.

Accordingly, withdrawal of the outstanding rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

Claims 1, 2 and 4 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,591,155 to Nishikawa et al.

Claims 1 and 3-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,936,840 to Proxmire.

For the reasons set forth below, it is urged that all the pending claims are allowable over the prior art of record and therefore, each of the outstanding prior art rejections of the claims should properly be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

The Examiner has relied upon Nishikawa et al. as disclosing:

...elastically stretchable disposable pants, as shown in figures 1 and 6, comprising a pair of elastically stretchable sheet members 10, a front waist region 36a, a rear waist region 36b, a waist opening and a pair of leg openings.

The Examiner further states that:

Substantially inelastic guide zones 52, as shown in figure 5, are provided between the central longitudinal axis and each of the side edges and extend longitudinally in the vicinity of both the waist and leg openings.

and that:

The guide zone 52 is disclosed in line 8 of the abstract as being inelastic.

Structural element 52 of Nishikawa et al. is described as being a seal 52 at column 7, line 65 through column 8, line 3 which states:

The body-side facing surfaces of the outbound edge portions 51 of the opposed elasticized member 10 attached to the front and back waist areas are then joined with a seal 52, thereby forming an elasticized side panel 5 and completing the training pant.

In Nishikawa et al. elasticized members 10 are attached to the side edges of the front and back waist areas, 40 and 41 respectively as shown in Fig. 6. Then the diaper is folded about its longitudinal center so that the outboard edge portions 51 of the elasticized members are superposed. Then the outboard edge portions 51 are joined with the seal 52.

From this description, it can be quickly seen that the seals 52 are provided at the side edges of the front and rear waist regions of the manufactured diaper

Applicants' independent claim 1 requires that the substantially inelastic guide zones are provided between the central longitudinal axis and each of said side edges of said front and rear waist regions.

The seals 52 of Nishikawa et al. cannot be interpreted as meeting this limitation since, due to the manner in which the training pants of Nishikawa et al. are manufactured, the seals 52 would necessarily be aligned with the central axis of each of the side edges of the front and rear waist regions.

It is further noted that since the seals 52 are provided in the "elasticized members 10" in Nishikawa et al. they would not effectively prevent portions of the disposable pants in a vicinity of the seals 52 from stretching in a direction along the central longitudinal axis, because the elasticity of the "elasticized members 10" would preclude such an effect and would in fact provide for the type of stretching that applicants avoid.

In general it appears that Nishikawa et al. incidentally provides a joint or seal between elasticized side edges of training pants, but otherwise does not teach or rely upon any physical properties of the seal or its location in concert with putting on the training pants.

Accordingly, for the reasons set forth above, it is submitted that the present invention, as claimed, is both structurally and functionally distinguishable over Nishikawa et al.

The Examiner has relied upon Proxmire as disclosing:

...elastically stretchable pants 10, as shown in figure 8, comprising a pair of elastically stretchable sheet members 12, as described in column 56, lines 42-47.

The Examiner states that in Proxmire:

...the pants 10 further comprise a front waist region 13, a rear waist region 14, a waist opening and a pair of leg openings.

The Examiner further states that in Proxmire:

Substantially inelastic guide zones 70, as described in column 11, lines 11-15, are provided between the central longitudinal axis and each of the side edges and extend longitudinally in the vicinity of both the waist and leg openings.

Structural elements 70 of Proxmire which the Examiner construes to be applicants' claimed "inelastic guide zones" are "landing zones" that comprise fastening means, generally indicated at 72, provided thereon which are releasably engageable with fastening means 76.

Applicants' invention is directed to "disposable pants" that are worn by pulling them up upon a wearer's body. In order to better emphasize this structure, independent claim 1 has been changed to recite that the side edges of the front and rear waist regions are "bonded" together.

Proxmire is directed to an open-type diaper that utilizes mechanical hook and loop fastener means.

As such, Proxmire does not provide front and rear waist regions that are bonded together at side edges therefore.

Moreover, Proxmire does not teach providing means to prevent portions of the disposable pants in a vicinity of the "landing zones" from stretching in a direction along the central longitudinal axis as the diaper is pulled on a wearer's body.

Accordingly it is submitted that Proxmire does not anticipate or otherwise suggest applicants' claimed invention.

Based upon the above distinctions between the prior art relied upon by the Examiner and the present invention, and the overall teachings of prior art, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §103 to establish a *prima facie* case of obviousness of applicants' claimed invention.

It is, therefore, submitted that any reliance upon prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejection of the claims should hence be withdrawn.

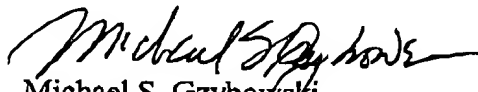
Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remains outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,


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Marked-Up Copy of the Claims
As Amended on February 3, 2003

1. (Twice Amended) Elastically stretchable disposable pants having a central longitudinal axis and comprising:

a pair of elastically stretchable sheet members;

a front waist [region;] region having side edges;

a rear waist region having side edges and being opposed to said front waist region;

a waist-opening and a pair of leg-openings defined by [joining] bonding said front and rear waist regions at edge portions thereof to each other; and

substantially inelastic guide zones provided between said central longitudinal axis and each of said side edges of said front and rear waist regions, and extending longitudinally of said pants between a vicinity of a peripheral edge portion of said waist-opening and a vicinity of each of said [leg-openings.] leg-openings, said substantially inelastic guide zones being configured to prevent portions of the disposable pants in a vicinity of the substantially inelastic guide zones from stretching in a direction along the central longitudinal axis.

2. (Twice Amended) The pants according to Claim 1, wherein said pair of elastically stretchable sheet members comprise layers of elastically stretchable fibrous nonwoven fabric and said substantially inelastic guide zones comprise portions of said nonwoven fabric which are molten and solidified so as to have substantially no elastic stretchability.

3. (Twice Amended) The pants according to Claim 1, wherein said pair of elastically stretchable sheet members comprise layers of elastically stretchable fibrous nonwoven fabric and said substantially inelastic guide zones comprise inelastic strips of sheet material that are bonded to said nonwoven fabric so that said substantially inelastic guide zones have substantially no elastic stretchability.

5. (Twice Amended) The pants according to Claim 1, wherein said pants comprise a liquid-pervious topsheet, a liquid-impervious backsheet and a liquid-absorbent core disposed between said liquid-pervious topsheet and said liquid-impervious backsheet and extending from said front waist region to said rear waist region, and of said liquid-imperious backsheet and said liquid-pervious topsheet at least said liquid-impervious backsheet is formed from said pair of elastically stretchable sheet members.

6. (Twice Amended) The pants according to Claim 1, wherein each of said substantially inelastic guide zones is located aside toward said side [edge portions] edges of said front and rear waist regions.